

Cathi A. Hession, Esq.

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Attorneys for

World Trade Center Properties LLC,

1 World Trade Center LLC,

2 World Trade Center LLC,

3 World Trade Center LLC (formerly known as 5 World Trade Center LLC)

4 World Trade Center LLC, and

7 World Trade Company, L.P.

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New York, New York 10006

(212) 412-9500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION : 21 MC 101 (AKH)

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THIS DOCUMENT APPLIES TO ALL :
CASES IN WHICH PLAINTIFFS ASSERT :
A SUBROGATION CLAIM: :

| | |
|-----------------------------------|--------------------|
| Aegis Insurance Services, Inc. | 02 CV 7188 (AKH) : |
| Certain Underwriters at Lloyd's | 03 CV 0131 (AKH) : |
| American Alternative Insurance | 04 CV 6848 (AKH) : |
| QBE International Insurance | 04 CV 7199 (AKH) : |
| Industrial Risk Insurers | 04 CV 7231 (AKH) : |
| Industrial Risk Insurers | 04 CV 7232 (AKH) : |
| Assurances Generale de France | 04 CV 7238 (AKH) : |
| Woburn Insurance | 04 CV 7240 (AKH) : |
| Great Lakes Insurance UK | 04 CV 7241 (AKH) : |
| Underwriters at Lloyd's | 04 CV 7244 (AKH) : |
| American Reinsurance | 04 CV 7246 (AKH) : |
| AXA Re | 04 CV 7248 (AKH) : |
| Aegis Insurance Services | 04 CV 7272 (AKH) : |
| Munich Reinsurance Company UK | 04 CV 7294 (AKH) : |
| AXA Corporate Solutions Assurance | 04 CV 7299 (AKH) : |
| UK Branch | |

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**NOTICE OF MOTION BY WTC
PLAINTIFFS FOR SUMMARY
JUDGMENT DISMISSING ALL
SUBROGATION CLAIMS**

PLEASE TAKE NOTICE that upon the accompanying Affidavit of Cathi A. Hession in
Support of Motion by WTC Plaintiffs for Summary Judgment Dismissing All Subrogation

Claims, sworn to February 12, 2009, and the exhibits thereto, the accompanying Statement Pursuant to Local Civil Rule 56.1 in Support of Motion by WTC Plaintiffs for Summary Judgment Dismissing All Subrogation Claims, dated February 12, 2009 (the "WTC 56.1 Statement"), and the accompanying Memorandum of Law in Support of Motion by WTC Plaintiffs for Summary Judgment Dismissing All Subrogation Claims, dated February 12, 2009, and upon all prior pleadings and proceedings had herein, WTC Plaintiffs,¹ by their attorneys, Flemming Zulack Williamson Zauderer LLP, will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, on a date and time set by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order, pursuant to Federal Rule of Civil Procedure 56, granting WTC Plaintiffs summary judgment dismissing all subrogation claims.²

PLEASE TAKE FURTHER NOTICE that, in the event that summary judgment is denied, WTC Plaintiffs will also move this Court at the same time and place for certification of the Court's order for immediate interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation and Order entered by this Court on January 15, 2009, opposition to this motion, if any, must be served by the Property Damage Plaintiffs Executive Committee on or before April 15, 2009 and WTC Plaintiffs must serve reply papers on this motion, if any, on or before May 15, 2009. In addition, pursuant to the January 15, 2009 Stipulation and Order, the Aviation Defendants are required to

¹ "WTC Plaintiffs" consist of World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 3 World Trade Center LLC (formerly known as 5 World Trade Center LLC), 4 World Trade Center LLC, and 7 World Trade Company, L.P. Both the WTC Plaintiffs and the plaintiffs identified in the attached Schedule A have brought claims against the same defendants in this litigation arising from or related to the terrorist-related aircraft crashes of September 11, 2001. *See* WTC 56.1 Statement, ¶ 3.

² The subrogation claims asserted in actions in this docket are identified by "Plaintiff Name," "Case Name," and "Docket No." in Schedule A hereto.

notify the other parties if they intend to submit papers on this motion, and the parties have agreed to adjust the schedule on this motion as necessary to permit the Aviation Defendants to file papers if they so desire.

Dated: New York, New York
February 12, 2009

Respectfully submitted,

FLEMMING ZULACK WILLIAMSON ZAUDERER LLP
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Schedule A**Subrogation Plaintiffs and Claims Asserted In 21 MC 101**

| <i>Plaintiff Name</i> | <i>Case Name</i> | <i>Docket No.</i> |
|--|--|-------------------|
| Aegis Insurance Services, Inc. | <i>Aegis Insurance Services, Inc., et al. v. Port Authority of New York and New Jersey, et ano</i> | 02 CV 7188 (AKH) |
| Liberty Insurance Underwriters, Inc. | <i>Aegis Insurance Services, Inc., et al. v. Port Authority of New York and New Jersey, et ano</i> | 02 CV 7188 (AKH) |
| National Union Insurance Company of Pittsburgh | <i>Aegis Insurance Services, Inc., et al. v. Port Authority of New York and New Jersey, et ano</i> | 02 CV 7188 (AKH) |
| Nuclear Electric Insurance Limited | <i>Aegis Insurance Services, Inc., et al. v. Port Authority of New York and New Jersey, et ano</i> | 02 CV 7188 (AKH) |
| Underwriters at Lloyd's | <i>Aegis Insurance Services, Inc., et al. v. Port Authority of New York and New Jersey, et ano</i> | 02 CV 7188 (AKH) |
| Certain Underwriters at Lloyd's of London Comprising Syndicates No. 33, 1003, 1208, 1243 and 0376 | <i>Certain Underwriters at Lloyd's of London Comprising Syndicates No. 33, 1003, 1208, 1243, 0376, et ano v. AMR Corp., et al.</i> | 03 CV 0131 (AKH) |
| Great Lakes Reinsurance (UK), PLC. | <i>Certain Underwriters at Lloyd's of London Comprising Syndicates No. 33, 1003, 1208, 1243, 0376, et ano v. AMR Corp., et al.</i> | 03 CV 0131 (AKH) |
| American Alternative Insurance Corporation | <i>American Alternative Insurance Corporation, et al. v. AMR Corp., et al.</i> | 04 CV 6848 (AKH) |
| Great Lakes Reinsurance U.K. PLC | <i>American Alternative Insurance Corporation, et al. v. AMR Corp., et al.</i> | 04 CV 6848 (AKH) |
| The Princeton Excess & Surplus Lines Insurance Company | <i>American Alternative Insurance Corporation, et al. v. AMR Corp., et al.</i> | 04 CV 6848 (AKH) |
| QBE International Insurance Ltd. | <i>QBE International Insurance Ltd., et ano v. AMR Corp., et al.</i> | 04 CV 7199 (AKH) |
| Certain Underwriters at Lloyd's, London, As Members of Syndicates No. 1212, 1241, 79, 506 and 2791 | <i>QBE International Insurance Ltd., et ano v. AMR Corp., et al.</i> 04 CV 7199 (AKH) | 04 CV 7199 (AKH) |
| Industrial Risk Insurers | <i>Industrial Risk Insurers v. AMR Corp., et al.</i> | 04 CV 7231(AKH) |
| Industrial Risk Insurers | <i>Industrial Risk Insurers v. AMR Corp., et al.</i> | 04 CV 7234(AKH) |
| Assurances Generales de France IART | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Assurances Generales de France | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Global Risks US Insurance Company, f/k/a Allianz Insurance Company | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Insurance Company of Canada | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Suisse Verischerungs-Gessellschaft | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |

| <i>Plaintiff Name</i> | <i>Case Name</i> | <i>Docket No.</i> |
|---|---|-------------------|
| Allianz Suisse Lebensversicherungs-Gessellschaft | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Verischerungs-Aktiengessellschaft | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Lebensversicherungs-Aktiengessellschaft-Stuttgart | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Life Insurance Company of North America | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Allianz Life Insurance Company of New York | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Fireman's Fund Insurance Company | <i>Assurances Generales de France IART, et al. v. AMR Corp., et al.</i> | 04 CV 7238 (AKH) |
| Woburn Insurance, Ltd. | <i>Woburn Insurance, Ltd. v. AMR Corp., et al.</i> | 04 CV 7240 (AKH) |
| Great Lakes Reinsurance U.K. PLC | <i>Great Lakes Reinsurance U.K. PLC v. AMR Corp., et al.</i> | 04 CV 7241 (AKH) |
| Underwriters at Lloyd's, Subscribing to Syndicate No. 1225 | <i>Underwriters at Lloyd's Syndicate No. 1225, et al. v. AMR Corp., et al.</i> | 04 CV 7244 (AKH) |
| Munich-American Risk Partners GmbH | <i>Underwriters at Lloyd's Syndicate No. 1225, et al. v. AMR Corp., et al.</i> | 04 CV 7244 (AKH) |
| Greater New York Mutual Insurance Company | <i>Underwriters at Lloyd's Syndicate No. 1225, et al. v. AMR Corp., et al.</i> | 04 CV 7244 (AKH) |
| Insurance Company of Greater New York | <i>Underwriters at Lloyd's Syndicate No. 1225, et al. v. AMR Corp., et al.</i> | 04 CV 7244 (AKH) |
| American Reinsurance Company, as Assignee of Exchange Indemnity Company | <i>American Reinsurance Company, as Assignee of Exchange Indemnity Company v. AMR Corp., et al.</i> | 04 CV 7246 (AKH) |
| AXA Re | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Corporate Solutions Insurance Company | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Verischerung AG | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Cessations | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Art Insurance Corporation | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Corporate Solutions Assurance | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Corporate Solutions Assurance Canadian Branch | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Reinsurance UK PLC | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Corporate Solutions Services UK Ltd. | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Re Asia Pacific Pte Ltd. | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| SPS Reassurance | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| Compagnie Generale De Reassurance De Monte Carlo | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |
| AXA Re Madeira Branch | <i>AXA Re, et al. v. AMR Corp., et al.</i> | 04 CV 7248 (AKH) |

| <i>Plaintiff Name</i> | <i>Case Name</i> | <i>Docket No.</i> |
|---|---|-------------------|
| Aegis Insurance Services, Inc. | <i>Aegis Insurance Services, Inc., et al. v. 7 World Trade Center Company, et al.</i> | 04 CV 7272 (AKH) |
| Liberty Insurance Underwriters, Inc. | <i>Aegis Insurance Services, Inc., et al. v. 7 World Trade Center Company, et al.</i> | 04 CV 7272 (AKH) |
| National Union Insurance Company of Pittsburgh | <i>Aegis Insurance Services, Inc., et al. v. 7 World Trade Center Company, et al.</i> | 04 CV 7272 (AKH) |
| Nuclear Electric Insurance Limited | <i>Aegis Insurance Services, Inc., et al. v. 7 World Trade Center Company, et al.</i> | 04 CV 7272 (AKH) |
| Certain Underwriters at Lloyd's of London Comprising Syndicates 1225 and 1511 | <i>Aegis Insurance Services, Inc., et al. v. 7 World Trade Center Company, et al.</i> | 04 CV 7272 (AKH) |
| Munich Reinsurance Company UK General Branch | <i>Munich Reinsurance Company UK General Branch et ano v. AMR Corp., et al.</i> | 04 CV 7294 (AKH) |
| Muenchener Rueckversicherungs-Gesellschaft | <i>Munich Reinsurance Company UK General Branch et ano v. AMR Corp., et al.</i> | 04 CV 7294 (AKH) |
| AXA Corporate Solutions Assurance UK Branch | <i>AXA Corporate Solutions Assurance UK Branch, et al. v. AMR Corp., et al.</i> | 04 CV 7299 (AKH) |
| AXA Corporate Solutions Assurance Canadian Branch | <i>AXA Corporate Solutions Assurance UK Branch, et al. v. AMR Corp., et al.</i> | 04 CV 7299 (AKH) |
| AXA Corporate Solutions Reinsurance Company | <i>AXA Corporate Solutions Assurance UK Branch, et al. v. AMR Corp., et al.</i> | 04 CV 7299 (AKH) |
| AXA Re Canadian Branch | <i>AXA Corporate Solutions Assurance UK Branch, et al. v. AMR Corp., et al.</i> | 04 CV 7299 (AKH) |
| AXA Re Madeira Branch | <i>AXA Corporate Solutions Assurance UK Branch, et al. v. AMR Corp., et al.</i> | 04 CV 7299 (AKH) |
| AXA Global Risk UK, Ltd. | <i>AXA Corporate Solutions Assurance UK Branch, et al. v. AMR Corp., et al.</i> | 04 CV 7299 (AKH) |